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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,720	03/24/2004	Louis Alonso	041373-0201	5626
30542 7590 05/09/2007 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278			EXAMINER QUINN, COLLEEN M	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 05/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,720	Applicant(s) ALONSO ET AL.	
	Examiner Colleen M. Quinn	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/26/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “band disposable around the plates”, “a box having opposing end and side walls” and “a weighted base joined to the opposing plate” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 10-15, 17 and 22.

The drawings are objected to because it is unclear what reference numeral 5 is pointing to in Figure 1, the reference numerals of Figure 8 are not consistent with the description of Figure 8 in the disclosure and 6c, though described in the disclosure as appearing in the figures does appear in any of the figures.

It is suggested the applicant review both the figures and specification carefully and review and correct both for all errors and inconsistencies present in order to clarify what is actually being disclosed.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure

is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: it appears the word "Flange", page 8, line 13, should actually be uncapitalized "flange".

It is suggested the applicant also review [0141] of the specification in combination with figure 8 to correct and clarify the inconsistencies of what the specification discloses and what actually appears in the figure.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear if the "weighted base" of claim 16 is a different weighted base than that of claim 15, and if the "opposing plate" is the same plate as the plate of claim 15, or if it is a different plate.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-8, 13, 14 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Side (US 463,256). Side discloses an apparatus, stored within a storage unit, for retaining objects, the apparatus comprising opposing plates (3,6,9), joined by biasing means (coil spring 5), means for securing the spring in a compressed position (7), wherein the spring takes up at least 25% of the surface area of the biased plate (figure 4), wherein the means for securing the spring in a compressed position comprise a bolt/band (7) and clip (8) disposed through apertures (12,15) and one or more flanges

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(13 and unnumbered flanges around aperture 15), extending from the opposing plates, wherein the storage unit is a box/shelf comprising opposing end (2) and side (1) walls, and wherein the storage unit consists of a horizontal surface (2) and a vertical surface (1) and the biased plate (6) applies a compressive force to objects (coins) between the plate and the vertical surface (figure 4) and wherein the apparatus is capable of being installed permanently in a storage unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Side as applied to claims 1-3, 6-8, 13, 14 and 18 above and further in view of Creamer (US 3,764,019). Side fails to disclose more than one coil spring for biasing means.

Creamer teaches a storage apparatus comprising opposing end plates (3, 6) with multiple coil springs (7) distributed evenly between the opposing walls and acting as biasing means, providing an evenly distributed biasing force over the biasing plate surface.

Therefore, it would have been obvious to one of ordinary skill in the art, to provide the biasing plate of Side with more than one coil spring, the coil springs evenly

distributed over the biasing plate, as taught by Creamer, in order to provide a stronger and more equally distributed biasing force to hold selected objects in place.

Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Side alone as applied to claims 1-3, 6-8, 13, 14 and 18 above. Though Side fails to disclose the specific tension of the spring, Side does disclose that the spring is of sufficient length and tension to keep the biased plate pressed up against the stored objects (page 1, lines 39-41). Therefore, it would have been an obvious design choice, to one skilled in the art, to construct the apparatus of Side, with the necessary amount of tensioning in the coil springs to keep the biasing plate biased up against the stored objects.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Side as applied to claims 1-3, 6-8, 13, 14 and 18 above, and further in view of Rubash et al. (US 4,637,632). Side fails to disclose weighted bases joined to the opposing plates.

Rubash et al. teaches an apparatus for storing objects in an upright position comprising opposing plates (10,12) with weighted bases (11, 15) joined to each plate, providing stability and support to each of the two opposing plates.

Therefore, it would have been obvious to one of ordinary skill in the art, to provide the apparatus of Side with the weighted bases as taught by Rubash et al. in order to provide stability and support to the opposing plates.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bailey (US 4,838,436), Mogulescu (US 3,110,402), Fisher (US 2,980,287), Petrie et al. (US 3,971,556) and Spencer (US 3,165,204) all teach key features of the applicant's claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen M. Quinn whose telephone number is (571) 272-6289. The examiner can normally be reached on 8:30AM-5:00PM Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMQ
5/2/07


SARAH PUROL
PRIMARY EXAMINER